



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/049,272

02/06/2002

Gabriel Daemon Engel

PURE-P002US

7736

41066

7590

08/14/2009

MURABITO, HAO & BARNES, LLP  
TWO NORTH MARKET STREET, THIRD FLOOR  
SAN JOSE, CA 95113

EXAMINER

NGUYEN, KEVIN M

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

08/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,272	<b>Applicant(s)</b> ENGEL ET AL.	
	<b>Examiner</b> KEVIN M. NGUYEN	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 134-172 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 134-172 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Request for Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/2009 has been entered. An action on the RCE follows:

Claims 1-133 are cancelled. Claims 134-172 are new. Thus, claims 134-172 are pending.

Applicant's arguments with respect to claims 134-172 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

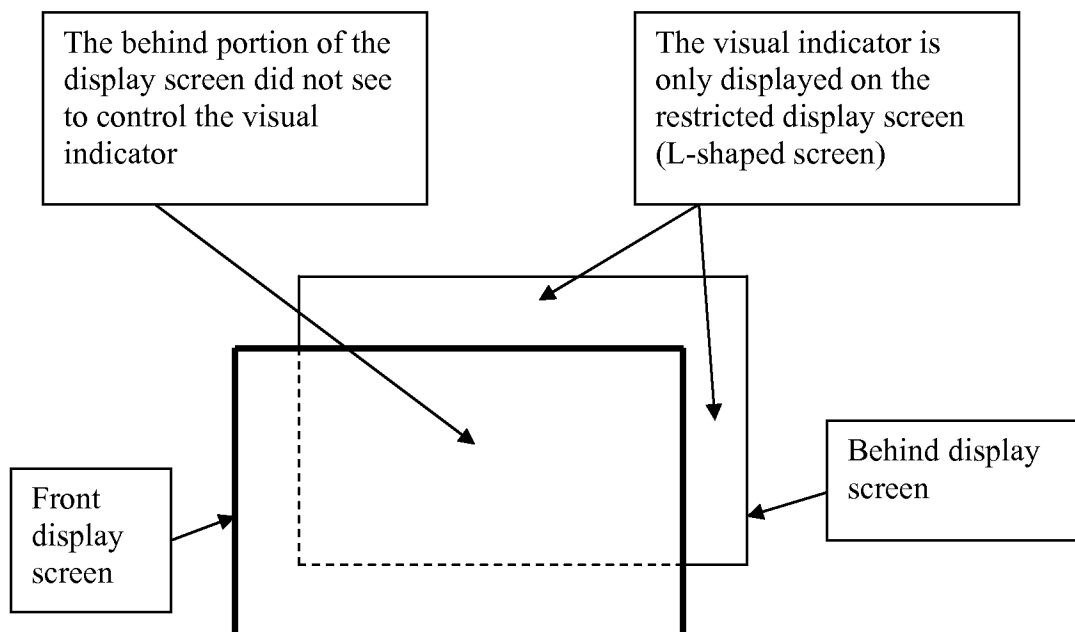
Claims 134-172 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

Claims 134-172 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either “said user-selectable input component is configured to move said visual indicator from a first display screen to a second display screen, [said first and second screens

Art Unit: 2629

overlap], in response to a first user interaction with said user-selectable input component” asserted utility or a well established utility.

The figure below, which is drawing by the claim 134, in which the claimed invention lacks patentable utility, where the only restricted display screen configured to move the visual indicator.



Claims 134-172 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either “said user-selectable input component is configured to move said visual indicator from a first display screen to a second display screen, [said first and second screens overlap], in response to a first user interaction with said user-

Art Unit: 2629

selectable input component” asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claims 134-172 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either “a visual indicator using said first plurality of pixels” asserted utility or a well established utility.

Claims 134-172 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either “a visual indicator using said first plurality of pixels” asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claims 145, 158, and 171 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either “a first and second plurality of pixels overlap” asserted utility or a well established utility.

Claims 145, 158, and 171 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either “a first and second plurality of pixels overlap” asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2629

Claims 134-172 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to claims 134, 147, and 160, the applicant introduces new subject matter does not read in light of the specification into the claim, such that claimed feature “a visual indicator using said first plurality of pixels” recited in independent claim 134, line 3, line 5, line 6.

The original disclosure only discloses “the image” in page 7, line 10.

With respect to claim 134, claimed “a visual indicator using said first plurality of pixels” was not found in the disclosure. Therefore, “a visual indicator using said first plurality of pixels” was the new subject matter. Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 147 and 160 include the same limitation as those of claim 1 are also rejected by the same reasons as set forth and discussed in the independent claim 134.

Claims 135-146, 148-159 and 161-172 are dependent claims are also rejected by the same reasons as set forth and discussed in the independent claims 134, 147 and 160.

Claims 160-172 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 2629

Regarding to claim 160, the applicant introduces new subject matter does not read in light of the specification into the claim, such that claimed feature “the computer-readable medium” recited in independent claim 160, line 1.

The original disclosure discloses only “media” in page 3, line 3.

In the online dictionary <http://dictionary.reference.com/browse/media>, a media was defined a means of mass communication, such as newspapers, magazines, radio, or television. With respect to claim 160, claim 160 recited “the computer-readable medium” such as memory, RAM, and ROM, in which a program of instructions is stored, to be executed by the microprocessor. The computer-readable medium can not be read on the media such as newspapers, magazines, radio, or television. Therefore, the computer-readable medium was the new subject matter. Therefore, the computer-readable medium such as memory, RAM, and ROM have NOT been found in the original specification. Therefore, the original disclosure does not support the new subject matter as indicated above.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 161-172 are dependent claims are also rejected by the same reasons as set forth and discussed in the independent claim 160.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 134-138, 140-151, 153-164, and 166-172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadovnik et al. (US 5,764,317) in view of Sigona et al. (US 5,694,150).

Regarding claims 134-138, 140-151, 153-164, and 166-172, Sadovnik discloses a system comprising: a multi-component display (figure 2) comprising: a first display screen (a front display screen 4, figure 4D) comprising a first plurality of pixels (a number of pixels, col. 7, lines 14-15), wherein said first display screen is configured to display a visual indicator (an image is displayed on the display screen 4, figure 4D) using said first plurality of pixels; and a second display screen (behind display screen 3, figure 4D) comprising a second plurality of pixels (the pixels or image is displayed on the behind display screen 3, figure 4C; Microsoft Computing Dictionary fourth edition defined a digital image is composed of a plurality of pixels arranged in a rectangular array); a first display screen and a second display screen overlap (figure 2); a user interface device comprising a user-selectable input component (a keyboard has buttons, figure 2); and wherein said first plane corresponds to said first display screen (the front display screen 4 is a rectangular plane, figure 4D).

Sadovnik does not disclose said user-selectable input component is configured to move said visual indicator from a first plane to a second plane in response to a first user interaction with said user-selectable input component.

Sigona discloses a user interface component comprising a user-selectable input component (at least one of keyboard 2, mouse 3, or touch screen 5, figure 2), wherein said user-selectable input component is configured to move said visual indicator from a first plane to a second plane in response to a first user interaction with said user-selectable input component, and wherein said first plane corresponds to said first display screen (col. 9, lines 49-54).



Art Unit: 2629

It would have been obvious to a person of ordinary skill at the time the invention was made to substitute Sadovnik's keyboard for the at least user interface component disclosed by Sigona in order to control the display.

Claims 139, 152, and 165 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadovnik et al. (US 5,764,317) in view of Sigona et al. (US 5,694,150), and further in view of Ando et al. (US 5,600,765).

Sadovnik as modified discloses all of the limitations, except for a voice-activated user interface component. Ando discloses a display system capable of accepting user commands by use of voice inputs (abstract).

Thus, it would have been obvious to a person of ordinary skill at the time the invention was made to modify Sigona, as modified, to include voice-activated user interface component disclosed by Ando in order to offer a high operability to the user, and with which an illustration can be easily edited.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is (571)272-7697. The examiner can normally be reached on Monday-Thursday from 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571)272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M Nguyen/  
Primary Examiner, Art Unit 2629

/KMN/  
August 14, 2009